

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 AGR-05 STR-01 COME-00 TRSE-00

SWF-01 AID-05 CEA-01 CIAE-00 FRB-01 INR-05 NSAE-00

RSC-01 CIEP-01 SP-02 LAB-04 SIL-01 SAM-01 OMB-01 PA-01

PRS-01 USIA-06 L-02 /060 R

DRAFTED BY STATE:THGEWECKE/USDA:KHOWLAND:MAM

APPROVED BY EB/OT/TA:WGBARRACLOUGH

EB/FPD:RSIMPSON

EUR/RPE:JMCCARTHY

STR:SLANDE

COMMERCE:DSCHLECHTY

TREASURY:BBENTON

USDA:

----- 014644

P R 101756Z DEC 74

FM SECSTATE WASHDC

TO USMISSION EC BRUSSELS PRIORITY

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY LUXEMBOURG

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY ROME

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E.O. 11652: N/A

TAGS: ETRD

SUBJECT: TOBACCO CLASSIFICATION PROBLEM

REF: USEC 9039, 9493

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1. MOST PRACTICABLE METHOD FOR ASCERTAINING CLASSIFICATION WOULD APPEAR TO BE RELIANCE ON EC IMPORTER CERTIFICATION BACKED UP BY NORMAL LEGAL PENALTIES FOR FALSIFICATION. THIS METHOD IS SIMPLIFIED BY THE FACT THAT U.S. EXPORTERS ROUTINELY STENCIL LABELS ON HOGSHEADS AND/OR CASES INDICATING TYPE OF TOBACCO, GROSS WEIGHT AND NET WEIGHT. EXPERIENCED INSPECTORS SHOULD HAVE NO DIFFICULTY DISTINGUISHING FLUE-CURED VIRGINIA AND LIGHT AIR-CURED BURLEY FROM OTHER TYPES BY PHYSICAL EXAMINATION, I.E. COLOR, AROMA, TEXTURE, ETC. ALTHOUGH PROBLEM MIGHT BE ENCOUNTERED SEPARATING MARYLAND FROM BURLEY TYPES, U.S. EXPORTS OF MARYLAND TO EC ARE EXCEEDINGLY SMALL IN COMPARISON WITH FLUE-CURED AND BURLEY, AND PRODUCTION AND EXPORTS OF MARYLAND TO EC ARE EXPECTED TO CONTINUE TO DECLINE. U.S. OFFICIALS ARE WILLING TO CONSULT WITH EC OFFICIALS CONCERNING INSPECTION AND IDENTIFICATION METHODS.

2. U.S. ASSUMES EC DESIRES LABORATORY TEST SOLEY FOR PURPOSE OF ESTABLISHING CONCLUSIVE LEGAL BASIS FOR SETTLING DISPUTES AND NOT FOR TESTING IMPORTED TOBACCO ON CONTINUING BASIS. IF THIS CORRECT, MISSION MAY INFORM COMMISSION THAT U.S. TREASURY'S ALCOHOL, TOBACCO AND FIREARM LABORATORY HAS DEVELOPED TEST FOR DISTINGUISHING FLUE-CURED FROM AIR-CURED TOBACCO. WITH FURTHER DEVELOPMENT, METHOD MAY CONTRIBUTE TOWARD SOLVING PART OF CLASSIFICATION PROBLEM. METHOD WILL BE PUBLISHED IN NOVEMBER ISSUE OF JOURNAL OF ASSOCIATION OF OFFICIAL ANALYTICAL CHEMISTS UNDER TITLE SEGMENTAL DIFFERENTIAL SOLVANT EXTRACTION: TOBACCO ANALYSIS. U.S. OFFICIALS ARE WILLING TO CONSULT WITH COMMUNITY OFFICIALS CONCERNING THIS TEST. NO CHEMICAL TEST EXISTS FOR DISTINGUISHING BURLEY FROM OTHER LIGHT AIR-CURED TYPES, AS FAR AS WE HAVE BEEN ABLE TO DETERMINE.

3. FYI: U.S. BELIEVES IT WOULD BE HIGHLY DESIRABLE TO AVOID SETTING UP OFFICIAL U.S. CERTIFICATION SYSTEM IN ORDER TO SOLVE EC CLASSIFICATION PROBLEM. PRESENT USDA CERTIFICATION SYSTEM OPERATES ONLY AT AUCTION LEVEL, AND EXTENSION TO EXPORT SALE WOULD PRESENT LARGE PROBLEMS OF PRACTICABILITY AND COST WHICH WOULD DIMINISH VALUE OF LIMITED OFFICIAL USE

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TARIFF CONCESSION. DEPARTMENT NOTES THAT EC WOULD APPEAR TO FACE SAME PROBLEM IN THE TARIFF QUOTA FOR UNMANUFACTURED TOBACCO UNDER COMMUNITY'S GSP SCHEME, WHICH APPLIES ONLY TO FLUE-CURED VIRGINIA TOBACCO (SEE EC A-91 OF 4/74). WE WOULD BE INTERESTED TO KNOW WHAT SORT OF CERTIFICATION PROCEDURE EC IS USING FOR THESE IMPORTS. END FYI. INGERSOLL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CUSTOMS DUTIES, STANDARDS, TOBACCO
Control Number: n/a
Copy: SINGLE
Draft Date: 10 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE270348
Document Source: CORE
Document Unique ID: 00
Drafter: THGEWECKE/USDA:KHOWLAND:MAM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740358-0580
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741246/aaaabnlq.tel
Line Count: 114
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: USEC 9039, 9493
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 08 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 APR 2002 by elyme>; APPROVED <15-Aug-2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: TOBACCO CLASSIFICATION PROBLEM
TAGS: ETRD, GATT, EEC
To: EC BRUSSELS
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005